EXHIBIT 7

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

CISCO SYSTEMS, INC.   Case No.: 5:14-cv-05344-BLF(PSG)

5

6   Plaintiff,

     v.

7

ARISTA NETWORKS, INC.

8

             Defendants.

9   _____

10

11

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13   * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *

14   VIDEOTAPED DEPOSITION OF KIRK LOUGHEED

15   Palo Alto, California

16   Monday, April 4, 2016

17   Volume 2

18

19

20

21   Reported by:

22   LESLIE JOHNSON

23   RPR, CSR No. 11451

24   Job No.: 2285024

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1   who is we?

2   A.   Myself and the engineers at Cisco.

3   Q.   Have you ever heard of engineers outside

4   of Cisco using the term "IP route" to distinguish

5   between an IP route and a DECnet route or a PUP

6   route?

7   A.   I was -- I wasn't particularly associating

8   with engineers doing network protocol outside of

9   Cisco. And if it was -- if it was -- I wouldn't be

10   surprised if others did, but I -- I was using my own

11   internal terminology as to what I felt was my own

12   internal -- our internal terminology.

13   Q.   Did you personally come up with the term

14   "IP route"?

15   A.   In the first software I actually used

16   "route" because there was no need to -- the original

17   software was IP only. There was no need to

18   distinguish.

19   Q.   It was not a multiprotocol?

20   A.   The original stuff was not multiprotocol.

21   Q.   How long did it take for you to come up

22   with the command "show ip route," the syntax?

23   A.   Once I made the decision that we needed to

24   generalize the command hierarchy so that we could

25   distinguish between commands with similar functions

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1   but for different protocols, then it was a very easy

2   generalization.

3   Q.   So a matter of minutes?

4   A.   Once the decision had been made to do

5   that, yes.

6   Q.   What do you think is creative about the

7   command "show ip route"?

8   MR. NEUKOM: Objection.   Calls for opinion

9   and legal conclusion.

10   THE WITNESS: So for the "route" command,

11   I originally needed some way of saying -- what I

12   needed was a way of indicating to the software that

13   if I had a packet destined for a particular network,

14   which is the first argument, that I send it to a

15   particular IP address, which is the IP address of a

16   router.   And one of those list of network and router

17   pairs may actually be the default, if I didn't find

18   a network mentioned anywhere and couldn't figure out

19   what to do with it.   Otherwise, send it to this

20   particular router or gateway.   Those are the pieces

21   of information that I needed, and I just -- I chose

22   the name "route."   And "IP route" came along

23   afterwards.

24   BY MR. WONG:

25   Q.   Are you the originator of the "show

1   spanning-tree" command?

2   A.   Yes, I am.

3   Q.   What is a spanning tree?

4   A.   My testimony earlier in the day addresses

5   that question.

6   Q.   So thank you.

7   And your explanation of what is a spanning

8   tree earlier in today's deposition would be the same

9   for my question regarding the "show spanning-tree"

10   command; is that correct?

11   A.   Right.

12   Q.   And what functionality does the "show

13   spanning-tree" command perform?

14   A.   It displayed global parameters having to

15   do with the spanning tree and interface-specific

16   parameters having to do with the spanning tree on

17   the box.

18   Q.   And the term "spanning tree," you didn't

19   come up with that, right, Mr. Lougheed?

20   A.   No, I didn't.

21   Q.   The term "spanning tree" is used in

22   ANSI/IEEE standards, correct?

23   A.   Yes. To my knowledge.

24   (Exhibit 467 marked for identification.)

25   / / / /

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1   Q.   And why did you choose to put a hyphen

2   between the words "spanning" and "tree"?

3   A.   Because I like English phrases and I like

4   separating them with dashes.

5   Q.   Why did you --

6   A.   And I saw -- go ahead.

7   Q.   No, no. I interrupted you, Mr. Lougheed.

8   Go ahead.

9   A.   And I had no concept or no belief at the

10   time that I would need to turn that into a

11   hierarchy.

12   Q.   And when you say -- refer to a need to

13   turn it into a hierarchy, are you referring to the

14   option of using a space instead of a hyphen in

15   between the word "spanning" and "tree"?

16   A.   Yes.

17   Q.   How long did it take for you to come up

18   with the command "show spanning-tree," the syntax?

19   A.   The syntax? Once I had the protocol

20   working, wouldn't have been very long.

21   Q.   Matter of minutes?

22   A.   Less than a day.

23   Q.   Do you think the command "show

24   spanning-tree" is creative?

25   A.   I don't understand.

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1   MR. NEUKOM: Objection. Calls for opinion

2   testimony.

3   THE WITNESS: I don't understand what you

4   mean by the word "creative."

5   BY MR. WONG:

6   Q.   Do you believe that it took any degree of

7   creativity to come up with the command "show

8   spanning-tree"?

9   MR. NEUKOM: Same objection. Calls for

10   opinion testimony. Also calls for a legal

11   conclusion.

12   But notwithstanding my objections, you

13   should still try to answer these questions to the

14   best of your ability.

15   THE WITNESS: And the question is?

16   BY MR. WONG:

17   Q.   Do you believe that it took any creativity

18   to come up with the command "show spanning-tree"?

19   A.   I do believe that it shows a degree of

20   creativity.

21   Q.   And describe -- go ahead.

22   A.   I mean --

23   Q.   Were you done with your answer?

24   A.   Yes.

25   Q.   And what is creative about the command

1   "show spanning-tree"?

2   MR. NEUKOM: Objection. Calls for a legal

3   conclusion and calls for opinion testimony.

4   THE WITNESS: And I just -- I'm not sure

5   what the hell you mean by "creative."

6   BY MR. WONG:

7   Q.   Have you -- do you know what the word

8   "creative" means?

9   What do you understand the word "creative"

10 to mean? The question is, what do you understand

11 the word "creative" to mean?

12   MR. NEUKOM: Objection to form.

13   THE WITNESS: It's the ability to create

14 things. And I was creating a command expression to

15 monitor a piece of complex software.

16   What do you mean by "creative"?

17 BY MR. WONG:

18   Q.   I'm going to use your definition of

19 creative here, Mr. Lougheed. Under your definition

20 of "creative," what's creative about the "show

21 spanning-tree" command?

22   MR. NEUKOM: Objection. Calls for opinion

23 testimony and calls for a legal conclusion.

24   THE WITNESS: Writing any piece of

25 software involves some degree of creativity. It may

1   not be at the Shakespearean level, but maybe more

2   prosaic. But you actually have to figure out

3   something. You have to create something to show how

4   stuff is done or to create something to communicate.

5   And that's what I was doing was creating something

6   to communicate to the customer, to the user of the

7   stuff, here is a command expression that will get

8   you information, and it's easy enough to understand

9   what was being done.

10   MR. NEUKOM: I think we've now been going

11   for about an hour, 15 minutes, thereabouts. Should

12   we take a short break.

13   MR. WONG: I only have one more command

14   and we can wrap up this volume. It could be fast.

15   Can you do another . . .

16   MR. NEUKOM: Just from looking at

17   Mr. Lougheed, he looks to me like a man who could

18   use five minutes of sunshine.

19   MR. WONG: I'll leave it up to you,

20   Mr. Lougheed, but in terms of these command-specific

21   questions, I only have one more.

22   THE WITNESS: I'd like to take a break.

23   MR. WONG: Okay. Sure.

24   MR. NEUKOM: Just for a little bit.

25   MR. WONG: Sure.

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1   THE VIDEOGRAPHER: Going off the record.

2   The time is 2:35 p.m.

3   (A recess was taken.)

4   THE VIDEOGRAPHER: Back on the record.

5   The time is 2:51 p.m.

6   BY MR. WONG:

7   Q.   Mr. Lougheed, are you the

8   author/originator of the "timers bgp" command?

9   A.   Yes, I am.

10   Q.   How do you know that you are the

11   originator of the "timers bgp" command?

12   A.   Because I remember creating the command.

13   I created the original BGP support.

14   Q.   If you look at Exhibit -- well, before we

15   do that, do you know approximately when you came up

16   with the "timers bgp" command?

17   A.   It would be sometime in 1989.

18   Q.   Okay. If you look at Exhibit 464,

19   page 42. Let me know when you're there.

20   A.   Yep.

21   Q.   You see fourth from the bottom in the

22   table, there's the "timers bgp" command shown there?

23   A.   Uh-huh.

24   Q.   And the date of earliest known document

25   for the "timers bgp" command in Exhibit 464 says

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